

U.S. Department of Justice

United States Attorney
Southern District of New York



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The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

August 2, 2005

BY HAND DELIVERY

Honorable Kimba M. Wood
United States District Judge
Southern District of New York
500 Pearl Street, Room 1610
New York, New York 10007

AUG 2
MEMO ENDORSED

Re: United States v. Matthew Ianniello, et al.,
05 Cr. 774 (KMW)

Dear Judge Wood:

The parties jointly propose modifications of Magistrate Judge Eaton's order of bail for defendant Matthew Ianniello and, based on this agreement, the Government respectfully withdraws its appeal of that order. The parties jointly submit the following bail conditions for the Court's consideration:

- \$5 million personal recognizance bond, co-signed by 5 financially responsible people, and secured by: (a) \$3 million or more in equity in property, and (b) \$150,000 cash;
- home incarceration with electronic monitoring;
- no more than 1 non-family adult visitor at a time;
- no use of any telephone, cellphone, walkie-talkie, or other communication device;
- no contact with any known criminals and/or co-defendants;
- travel restricted to the Southern and Eastern Districts of New York [to the extent not covered by home incarceration];

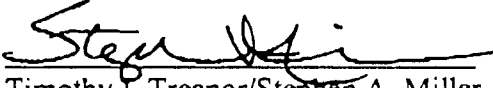
Hon. Kimba M. Wood
August 2, 2005

Page 2 of 2

- surrender passport and no applications for new travel documents; and
- all conditions to be met by close of business on Friday, August 5.

Respectfully submitted,

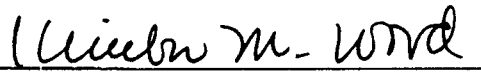
DAVID N. KELLEY
United States Attorney
Southern District of New York

By: 
Timothy J. Treanor/Stephen A. Miller
Assistant United States Attorneys
(212) 637-2362/2210

cc: Jay Goldberg, Esq.
(By facsimile)

*The above-stated bail conditions
are hereby approved.*

SO ORDERED:


HON. KIMBA M. WOOD
United States District Judge

August 2, 2005
DATE